

REMARKS

Pending claims

Through this Amendment, claims 1, 12, and 29 have been amended to more clearly point out and distinctly claim the invention. The amendments are fully supported by the specification. For example, support for the phrase “being characterized by being incapable of foaming at any time within a disinfection cycle carried out in a disinfection cup (AOCup® with AODisc® and covered with an AOCap®) so significantly to cause overflow of the composition from the disinfection cup” can be found in **Example 10**. After these amendments are entered, thirty eight (38) claims (claims 1-38) are pending.

Claim objections

Objection of claim 12 has been overcome by adding a period to the end of claim 12.

Claim Rejection Under 35 USC §102

Claims 1-13 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by US Pat. 5,523,012 to Winterton et al. This rejection is moot in view of the amendments of claim through this Amendment. Specifically, the cited reference (Winterton et al.) does not disclose nor suggest anything about the limitation “the disinfection composition being characterized by being incapable of foaming at any time within a disinfection cycle carried out in a disinfection cup (AOCup® with AODisc® and covered with an AOCap®) so significantly to cause overflow of the composition from the disinfection cup”. Applicants respectfully requests withdrawal of rejection under U.S.C. §102(b) of claims 1-13.

Claim Rejection under 35 USC §103

Claims 14-38 were rejected by the examiner under 35 U.S.C §103 (a) as being unpatentable over US Pat. 5,523,012 to *Winterton et al* in view of US Pat. 5,411,597 to *Tsao et al*. For the following reasons, the Examiner’s rejection is respectfully traversed.

Applicant’s invention is not obvious in light of the primary reference (Winterton et al.) in combination with the secondary reference (Tsao et al.), because the cited references, alone or in combination, do not meet all the limitations of the invention as currently claimed. As stated in the MPEP at 706.02(j), to establish a prima facie case of obviousness the “prior art reference (or references combined) must teach or suggest all the claim limitations.” The primary reference (Winterton et al.) does not disclose nor suggest anything about the limitation “said block copolymer having a Ross-Miles foam height (ASTM designation D-1173-53; 0.1%, at 50°C) of less than 1

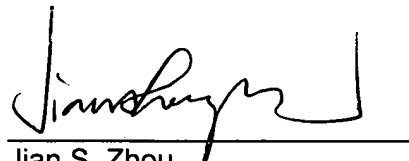
mm". The secondary reference can not fill the gap left by the primary reference. Applicants respectfully submit that, since the primary reference, alone or in combination with the secondary reference, does not teach nor provide a motivation to arrive at the present invention as currently claimed, the Applicants invention as currently claimed is patentable over the primary reference in view of the secondary reference and request withdrawal of the 35 U.S.C. §103(a) rejection.

CONCLUSION

In view of the foregoing and in conclusion, Applicants submit that the pending claims are now in conditions for allowance. Applicants request reconsideration and withdrawal of the rejections set-forth in the Office Action.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,


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